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Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2018]

* Issued as received, in the language(s) of submission only.

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Please recycle

Al-Houthi & Iran (the Islamic Republic of) practices in Yemen

Preface

Maat for peace, development, and human rights (Egypt) submits this report in the context of its concern of human rights situations in Arab region, particularly the armed conflicts in this region. Yemen as a part of the Arab states; faces catastrophic status especially in violations committed by Al-Houthi with support from Iran to Yemeni people, that's through UN resolutions which issued on the conflict in Yemen especially res. (31/36), (33,16).

It requires reconsideration in watching preparations, and providing technical support to enhance human rights situations in Yemen.

UN resolutions about human rights in Yemen

UNSC issued (res. 33/16)[1] in September 2016 providing technical support to Yemen, building its abilities in human rights field.

In 2015 OHCHR issued a resolution, it transmitted to UNSC 2216, aiming to improve human rights situations in Yemen, and asking from militia Houthi/Saleh to release political prisoners and journalists.

UNSC welcomed with works of independent national commission to investigation, and encourages it to accomplish its mission according to the presidential decree in August 2016, which he asked from the HC to assign extra-international experts in human rights field to UNHCR in Yemen, in accordance with Yemeni government, and asks the independent national commission to submit its final comprehensive report about international abuses and violations to human rights.

Finally the resolution(36/31), adopted by HRC in September 2017 on human rights for providing the technical support, and capacity building in Yemen, which were asked from HC to establish national and international team for a renewable one year, to watch human rights and report them in Yemen, and provide recommendations and co-operations with Yemeni authorities and stakeholders, requesting to transmit a comprehensive to HC in the next 39th session in HRC.

Iranian interference in Yemen

Iran documented its relationship with Houthis in Yemen. The Iranian strategy began to support Houthi militia against Yemeni government since 2011. The Iranian military interference extended the war in Yemen, resulted in worsening humanitarian crisis.

The report of experts who assigned to monitor arms embargo, watched violations of rockets related to military equipment, unmanned aerial vehicle Iranian manufacturing. They were entered to Yemen after imposition of the arms embargo 2015, therefore we find that Iran didn't comply with article 14, res. 2216. It didn't mention in the document; the authorities, persons who responsible to supply ballistic missiles for Houthis.

The document refers that Iran didn't take any necessary steps to prevent the supply of short-range missiles "volcano 2H" model.[2]

Iran supports Houthies not only in the political field but also in the sectarian solidarity. The political interest of iran is focused on the security of Bab-El-mandab strait, which passes millions of dollars through it[3], also they use their air force targeting civil people and neighboring countries. The Arab coalition supported legitimacy in Yemen; it presented rocket remnants which targeted Saudi Arabia. The coalition proved that the remnant of rockets are Iranian. The spokesman for the coalition referred that some of rockets were smuggled from Iran to Houthis militia, Iranian rockets named "Hunter" model were seized before it were arrived to Houthis, and he admitted 104 ballistic missiles were shouting Saudi Arabia.[4]

Houthis violations in Yemen

Houthis violate civil, political, economic, and human rights in Yemen, and practice violations against humanity, these violations included:

1. indiscriminate shelling

Ta'izz city was shot randomly in civil residential areas, and launched artillery shells cross Saudi Arabia boarder, it resulted killing and hurting of civilians, militia bombarded for (8) months citizens houses, general markets, and utilities, it leaded to 1535civil killers, 8786 injured most of them were women and children, human rights reports mentioned the

1 To view the resolution look at https://goo.gl/T6s4J
2 For more information https://goo.gl/F2o4WV
3 For more information https://goo.gl/NgTzJk
4 For more information http://goo.gl/7vb8dx

death of 1535 persons including 166 child, 102 woman, it was systematically, katyusha rocket was shot over citizens homes in a village, it resulted killing of 9 children, an old man, and injuring of tens of people most of them were children.
In 2015 militia targeted Dabo`aa neighborhood, by falling mortar shell over civilians. On 15 July 2018 Houthis bombard a wadding in Al-Hazm city, it lead to the death of 3 women, 2 children and the injure of 6 women and children.[5]

2. Suspension of aids

Huthis/Saleh prevented and confiscated food medical supplies, they prevented in need people to reach them. As well; imposed severe restrictions on aids field workers, aids workers suffer from kidnapping, arbitrary arrest, and killing while participating in humanitarian operations in Yemen. In ta`zz city they prevented medicine, and disrupted medical system.[6]

3. transmigration and forced relocation

Huthis militia kidnapped 20 citizen in 31 july 2018, that after attacking their homes in Marhaba villages in "Naham" directorate , and forced 11 families to leave their houses and displaced to Sana'a city.
According to Human rights Euromed monitor, they reported witnessed 7049 cases of kidnap and 1910 cases of enforced disappearance.[7]

4. Arbitrary Detention

Huthis militia detained journalists, human rights defenders, and Baha`I in Sana`a city, defending Baha`I rights filed a report, it included various violations, huthis militia practices against Baha`i, as detention, enforced disappearance, and unfair trails, furthermore number of Baha`i was being tortured by Huthis militia since it dominated the capital San`a and aother areas.
Militia huthis sentenced 3 kidnapped from "sa`ada" to death, accused of intelligence with Saudi Arbia.

5. Torture:

"Monier Mohamed Qaid Al-Sharky" Yemeni activist who was arrested in militia huthis prisons exposed to severe torture, he was separated skin completely without no any humanitarian consecrations.

On 22 July 2018 the kidnapped "Omar Al-Reiamy" dead after detention and disappearance for more than one year as a result of the sever torture in the national security service subject to Huthis militia in capital San`a.

6. The use of children in armed conflict:

Conflict parties in Yemen used children in armed conflict, in August 2017, UN documented 1702 child recruitment from March 2015, 67% of them from Huthis- Saleh forces, 100 of them under the age of 15.
Minimum of military service age under Yemeni law is 18.
In 2017, 337 children were killed, and 544 injured, according to data huthis forces recruited (902) child, (268 child were killed), (58 injured), (122 prisoners), and they have (454 child) still fighting for militia Huthis-Saleh sake.
305 child recruitment cases were documented until June 2018, they are about 10-17 years from San`a, Zamar, Omran, Heja from Huthis throutg 5 months[8].
According to UNICEF in 2018, resulted to the death of 1546 persons most of them children & women, 2450 injured and disfigurement.
National commission role to save human rights in Yemen
The commission were held according to OHCHR res.18/19 2011, which referred in OHCHR res. 33/16.
OHCHR asked HC to provide technical support to help the commission to do its duty, but it didn`t receive any support or help which provided for by resolution, despite commission communicate with HC office in Yemen, it didn`t receive any comment from OHCHR to set a cooperation plan, *HC acknowledged in his report which submitted in the 36th session in OHCHR.* The Commission referred to number of violations in its report 2016-2017, targeting of civilians, which reached to (1181) killed,(860 men), (100) women, (221) child.

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5 For more information https://goo.gl/Si8BA1
6 For more information look human rights report 2017 https://goo.gl/aGAuoF
7 For more information look at https://goo.gl/hPZVeN
8 For more information https:/goo.gl/A8Xqzh

(2697) injured, (300) child, and we have 6 cases cultured cases from Ta`az, Mohwet, Baydaa, Ma`arab, Amana Alasema governorates, we have mosque Abd-Elhady Al-Soudy explosion in Ta`az, homes explosion, there are (86)homes explosion examples. And Forced displacement we have (50 families) in sertien village in solo directorate-Ta`az governorate were displacement.[9]

RECOMMENDATIONS

Maat foundation for peace, development, and human rights OHCHR with the following:

- Work on stopping Iranian interference in Yemeni internal affairs
- Asking HC to inform with all national commission trials with him to execute OHCHR resolution about providing technical support to the commission for Yemeni conflict.
- Asking OHCHR to set a mechanism to follow the issued resolutions for Yemeni conflict.
- Asking for UNSCR interference and using his authority under UN charter, rather detecting in Yemeni conflict, or held military system, or using the economic penalties, and other steps to prevent conflict among countries.

9 For more information https:/hoo.gl/U5VJU9

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Please recycle

Human Rights situation in Somalia

Risks of negative external interference with the HR situation in Somalia

Somalia is an important strategic fulcrum within the Horn of Africa. Prompting a number of countries with ambitions in the area, such as Qatar, France, and the United States, to actively pursue their influence, either by building military bases, by interfering through the charitable foundations, or development work, and those interventions negatively affect the Somali political situation and the Somali human right situation.

Some oil countries that support terrorist organizations, are active in igniting areas of conflict and threaten international peace and security, especially in strategic corridors, have discovered the strategic dimension of the Somalia site, especially after the outbreak of crises within the Middle East region, where the state controls important maritime outlets The Red Sea, the Gulf of Aden, and the Indian Ocean, as well as the ways of transporting oil from the Gulf to Europe and America.

Qatar is one of the most passive countries to bet a negative role in Somalia's internal matter, through its alliance with some parties in the political process, as well as documentation for some terrorist organizations, were leaked documents published on the famous WikiLeaks site indicated that the former US ambassador to the United Nations, Susan Rice, "In 2009, it had stressed the need to put pressure on Qatar to stop the funding of Al-Shabaab Al-Mujahideen in Somalia. [1]

Turkey, by founding the Turkish military base in the south of the Somali capital, which cost about $50 million. Turkey is attempting to open up new markets for Turkish weapons, which will give Turkey a strategic extension within the Horn of Africa, confront the growing influence of some forces Regional and international points. On that point are some reports that Turkey has secretly made a sort of communication between it and Al-Shabaab Al-Mujahideen in Somalia, which was following al-Qaida until it joined the ISIL later. Al-Shabaab Al-Mujahideen in Somalia is the major responsibility for the bombings and terrorist operations in Somalia. [2]

The international powers such as the United States of America and France, both are proving to furnish material and military backing of the Somali army to bring down the military strength of Al-Shabaab Al-Mujahideen in Somalia. With the growing rapprochement of China and Djibouti and the United States ' fear for its interests in the Horn of Africa region in general. In particular, the United States has started to pay increasing attention to what is going on in Somalia. And then that it has included the provision of assistance to government institutions in the United States foreign policy towards Somalia. But such aid does not aid the cause of human rights every bit much as it contributes to the political conflict in the country.

France sympathetic to the concerns of Djibouti. Feared that the internal situation in Djibouti could deteriorate as a result of the conflicts in neighboring Somalia, which could adversely affect its strategic interests in the region. And therefore France sent French troops from Djibouti to Somalia, so that the US forces do not control strategic interests in Somalia alone. At the same time to establish its presence in the strategic rivalry equation with other international actors present in the African region.[3]

This external intervention in the internal Somali context has contributed to the absence of any effective strategies or policies for the promotion of humar rights situations.

Human rights and humanitarian crises within the Federal State of Somalia

The humanistic and human rights situation in Somalia has become extremely tense, particularly after the "Al-Shabaab Al-Mujahideen in Somalia " attacks on civilians, the most severe of which took place on 14 October 2017 at the capital

[1] Ahmed Adel, US website: Qatar finances terrorism in Somalia. "Doha" launches training camp for armed militias in Kenya. Qatar supports Al-Shabaab of the African East destabilization ‹ Posted on the news portal, April 16, 2018.

[2] Strategic risks facing Turkey in its stationing in Somalia posted on the Arab site on October 1, 2017.

[3] African Research and Studies Institute, African Strategic Report 2014/2015, 10th edition, I 1, Nubar-crossing.

Mogadishu hotel. Were the attacks claimed the lives of more than 512 people, and according to Human rights reports, about three civilians were killed during 2017, in 31 United States attacks using Air Force aircraft and drones. [4]
For refugee affairs, according to the United Nations Office of the High Commissioner for Refugees, some 32500 Somali refugees were repatriated from January to November 2017, volunteers from Kenya to Somalia.
Speaking of freedom of expression. The "Al-Shabaab Al-Mujahideen in Somalia "has prevented journalists from working in areas controlled by them. "Al-Shabaab" proceeded to arrest and threaten media workers. In July, the Somali Cabinet approved a repressive law establishing a statutory regulatory body, the Minister of Information appoints its members to monitor the content of print and broadcast media. And a ban on news that considers false, without a well-defined definition of this legislation. This legislation is vague in language, imposes extensive restrictions on the work of journalists, and gives the government broad discretion to prosecute media workers .The Somali journalists ' union noted that more than 30 journalists had been arrested and detained by Somalia authorities for criticizing the government.
As for the rights of women, the quota system in the Somali elections allocated 30% of the seats for adult females, thus improving the representation of women in the House of Representatives and the Senate. However, the prevalence of sexual violence continued, and the Somali Integrated Management System at least 271 cases of gender-based violence against displaced women in Somaliland, 312 in Puntland and at least 400 in southern and central Somalia. As well as poverty and drought that has led to more women being separated from their families.
In view of economic, societal and cultural rights, Somalia has been hit by an unprecedented drought that has contributed to a substantial growth in the number of internally displaced persons, estimated to be 943,000 by the conclusion of 2017. More than three million people have been exposed to food insecurity, Malnutrition reached serious levels in southern and central Somalia. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 388,000 children are malnourished and 87,000 are at risk of dying unless they receive life-saving support.5

The role of the Human Rights Council in improving the human rights situation in Somalia

On 29 September 2017, the Human Rights Council adopted a resolution on assistance to Somalia in the discipline of human rights. The Council welcomed the commitment of the Federal Government of Somalia to improving the human rights situation in Somalia and endorsement the first National Development Plan. And the Council welcomed the new international partnership that had been adopted to provide security and protection as the Somali people deserve and need it, and also welcomed the draft Child Protection Act, the Law on Sexual Offenses and the continued commitment of the Somali Government to the process of UPR.
In the same report, the Council stated its concern about violations and abuses against women. These violations, including sexual violence, underage marriage, forced marriage and female genital mutilation. And also stated fear of the violations of minors, such as illegal recruitment their use in armed struggle, and snatches.
The Council also stated its concern about the abuses of internally displaced individuals, as well as human rights protectors and media workers, and their harassment. The Council recognized the efforts established by some states to host Somali refugees. The Council urged the international community to continue to offer financial backing to meet the humanitarian needs of Somali refugees in the region.
The Council submitted its recommendations to the Federal Government of Somalia. The recommendations included the implementation of constitutional reform commitments. An end to the pervasive culture of impunity. The pursuance of those responsible for human rights violations. The enforce a zero-tolerance policy on the violence of sexual and gender-based. And ensuring the reform of the security sector. Increase support and resources for ministries and institutions involved in the disposal of justice and the protection of human rights. Ensure the participation of women in public and political spirit. Work to protect and advance freedom of expression and information. Submitting to the Convention on the Elimination of All kinds of Discrimination Against Women. The Convention on the Rights of Persons with handicaps. The Convention on the Prevention and Punishment of the Crime of Genocide and the promotion and protection of internally displaced individuals from all types of violence and victimization. In that respect are substantial difficulties in their reintegration into society.

[4] Amnesty International, Annual Report 2017/2018, Report of the State of Somalia during the year 2017.

[5] Same as previous source.

Recommendations

I. The United Nations and its organs

- Providing technical and material support to the Government of Somalia for the promotion and protection of human rights and ensuring the operationalization of international human rights instruments.
- Provide the independent expert on the situation of human rights in Somalia with all information, human, technical and financial assistance, to carry out his functions optimally.
- Pressure on states to stop their internal Somali interventions and to provide assistance to the Government of Somalia to ensure the realization of the principle of sovereignty and non-interference.

II. The Federal Government of Somalia

- The need for public policies to be in compliance with international human rights, obligations, and covenants, by improving legal frameworks and legislation
- Develop a national plan of Action for the elimination of all forms of violence, in particular, sexual violence in conflict.
- Cooperate with United Nations mechanisms and international human rights experts in Somalia to enable the Somali Government to provide security and protection to all citizens in accordance with international law.
- Intensify national efforts and international partnership to eliminate terrorism, especially the " Al-Shabaab Al-Mujahideen in Somalia ", and establish strict obligations and standards to avoid harm or harm to civilians .

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

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Labor in the state of Qatar: A contemporary form of slavery

Slavery in international charters and Arab legislation

The International Covenants on Human Rights prohibit slavery in all its forms. Article 4 of the Universal Declaration of Human Rights states that "No one shall be held in slavery or servitude, and slavery and the slave trade shall be prohibited in all their forms". The International Court of Justice emphasized that the protection of the individual against slavery is one of the most important obligations of the State under the human rights system and constitutes a state obligation towards the international community, as well as the UN Convention against Transnational Organized Crime For the year 2000 and its supplementary Protocol on the Prevention and suppression of trafficking in persons, especially Women and children, 2003[1].

At the Arab level, the criminalization of slavery was delayed, owing to the subjection of the Arab States to European colonization until the mid-nineteenth century, the Arab Charter on Human Rights of 2004 affirms, through article 10.1, that ""All forms of slavery and trafficking in human beings are prohibited and are punishable by law. No one shall be held in slavery and servitude under any circumstances".

In the same vein, in the Penal Code No. 11 of 2004, the Qatari legislator has criminalized and punished the treatment of slavery, article 321 of which stipulates that *"Whoever brings into or takes out of Qatar a person as a slave, or buys, sells, or donates a person as a slave, shall be liable to imprisonment of a term not exceeding seven years. And whoever, traffics, offers or gives as a gift or disposes of any person as a slave."*

Unfortunately, criminalization in Qatari law does not include the slave trade within the meaning of the Slavery Convention, which defines the slave trade under article 1.1 as *" The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves"* .

This means that acts of the slave trade within the meaning of the International Convention are not criminalized under Qatari law, with the exception of acts of entering or removing a person from Qatar for the purpose of slavery, either being imprisoned or detained or prevented from returning to his country without permission, or being exploited by any form of exploitation, which are not criminal offences, Slave trafficking is not considered under Qatari law[2] .

Expatriate workers and Slavery in Qatar

Qatar has been recruiting nearly 1 million workers for 10 years from 2012 to 2022, in order to prepare the infrastructure for the construction of stadiums for the 2022 World Cup, and according to the International Trade Union Confederation, about 1.8 million of the era slaves will be deployed in a diameter before the World Cup 2022.

The British newspaper "The Daily Mirror", as a result of an inquiry conducted in Qatar, revealed the appalling exploitation of migrant workers forced to live in deplorable conditions, and the newspaper explained that Qatar was accused of forcing 1,200 people to work to death in order to prepare for the 2022 World Cup, with an estimated salary of less than 1$ for half an hour, some do not receive wages or salaries for months, and there are no conditions for the safety of poor workers, with their presence in camps that do not fit as human habitation and do not enjoy healthy or decent living conditions.

According to Amnesty International, one third of the workers in Qatar's World Cup stadiums were not paid in full for months, there are always discounts on the most trivial reasons, salaries are not paid regularly, and sometimes the worker has to work 6 months before receiving his first salary.

In addition, workers cannot leave Qatar without the permission of the guarantor, and in Qatar there are no complaints mechanisms and effective compensation or redress for migrant workers, in addition to the fact that the Qatari labor law excludes domestic workers, who are always subjected to verbal, physical and sometimes sexual abuses, and as some women workers are not allowed to speak to strangers, many of whom do not receive weekly leave, they are confined to the homes in which they work.

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[1] Mohammed Nawaf Al-Fua'rah, slavery in his new dress: between international interdiction and national criminalization, comparative study, Sharia and Law, vol. 42, No. 3, 2015.

[2] Same as the previous source.

In the wake of these extensive violations by Qatar of workers who have become slaves, the International Confederation of Trade Unions described in its report on Qatar and its approach to the employment file as a slavery state, and it is expected that at least 4,000 workers will die by 2022, quoting the Secretary-General of the International Trade Union Confederation, "Sharan Burrow", "they have not discovered the worst yet". Sharan Burrow " accused the world involved in a conspiracy of silence on the vast slave market run by Qatar, which Named "2022 World Cup[3]."
In October 2016, the Dutch trade union threatened to sue FIFA for human rights violations in relation to Qatar's World Cup, noting that thousands of Bangladeshi workers want to bring FIFA to justice.
The trade union stated that it wanted to file a lawsuit on behalf of "Nadim Shariful Alam" from Bangladesh, aged 31, a member of the International section of the trade union, brought to Qatar, and paid approximately 4,000 euros, where he worked in Qatar in the area of ship unloading year and a half, and lived together for thousands of others like "Modern Slave."
Despite all the complaints about the employment situation in Qatar, Qatari authorities continue to exercise violations against workers, do not take a fair stand and continue to face various forms of exploitation, and in a move that contradicts the claims of Qatar that they want to put an end to the exploitation of labor-as well as the main principles of International Labor Organization on labor rights. The Government reiterated that only Qatari citizens are allowed to form and join associations and trade unions, thus preventing foreign workers from negotiating collectively to improve their poor working conditions[4].

Recommendations

1. The United Nations and its organs

- Provide contact with a competent and independent authority that protects persons exposed to contemporary forms of slavery and enables them to obtain adequate compensation.
- Ensure that cases of contemporary forms of slavery are addressed resolutely and effectively, that perpetrators are investigated and prosecuted, and that sanctions are imposed on all those found guilty.
- The international community must ensure that victims of contemporary forms of slavery receive long-term assistance in order to help them to continue their recovery and rebuild their lives.
- The need to develop systematic policies and programmes to ensure that victims of slavery do not return to exploitation again, as well as to ensure that no new victims occur.

Second: The Government of Qatar

- The need to punish slavery through clear and explicit provisions of the Penal Code, or through penal laws criminalizing slavery in all its contemporary forms and patterns, and not merely criminalizing slavery in the traditional form.
- Redefine the definition of slavery in Qatari law, to accommodate all practices that make human being a material commodity and to criminalize physical exploitation in forced labor, prostitution, etc. so as to guarantee the right to a dignified life.
- Ensure adequate employment opportunities and adopt national anti-discrimination legislation to pre-empt any form of slavery.
- Change the Qatari Kafala system, ensuring that workers are allowed to leave the country freely, to change their jobs, to join trade unions, to receive fair remuneration and to be protected from abuse by employers.
- The Qatari legislator must ensure that national laws on the prohibition of contemporary forms of slavery are in conformity with international conventions and standards, so as to provide adequate protection to victims of contemporary forms of slavery.

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[3] Mahmud Hassan, why is the world silent on the crimes of Qatar 2022 IO: Workers living in a nightmare and 4, 000 deaths due to housing and criminal treatment. 18 hours of daily work without vacations. The international trade unions dubbed Doha as the "slave State", published on the seventh Day, 30 May 2017.

[4] May Rom, Qatar finally joins two key human rights treaties - but what does it really mean for migrant workers, Amnesty International, 13June2018.

- Review legislation and policies that prohibit access to justice for persons under slavery or one of its forms and to ensure that they have access to justice in a fair and equitable manner, regardless of their migratory status.
- Provide national mechanisms to address contemporary forms of slavery and to work towards the development of policies and training programmes for the elimination of all contemporary forms of slavery in Qatar.
- Take strict measures against all those who obstruct laws that guarantee the rights of migrant workers, or contribute in one way or another to the exploitation or enslavement of workers.
- A "reparations fund" should be allocated to victims of contemporary forms of slavery, as a form of moral material assistance, as well as the need to provide them with legal assistance and to ensure their fair access to justice.

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Please recycle

Indian designs to change the demography of Indian administered Jammu and Kashmir

Indian administered Jammu and Kashmir has a unique relation with the Indian Union. Unlike other states of India, It has its own Constitution, separate flag, State Subject laws, and United Nations resolutions representing its exceptionality.

The state of Jammu and Kashmir has throughout enjoyed its own independent sovereign character. It was neither part of British India nor it acceded to British India or any kind of "Federation" having its own Constitution till 26th October 1947.

On 26th of October 1947, the then ruler entered into manipulated accession of the state with India against the principles laid down in Indian Independence Act 1935, and wishes of the people. But being a sovereign retained its legislative, executive and judicial powers except to the limited access in respect of three matters i.e. Defense, Foreign Affairs and Communication.

On the basis of this dubious instrument of accession, India occupied nook and corner of Kashmir, which continues till date. Indian committed unprecedented and gross human rights violations since then in Indian administered Jammu and Kashmir, which includes killings, rape and molestations of women, torture, extra-judicial killings, arson, use of pellet shot guns, denial of freedom speech and expression and what not.

These human rights violations were acknowledged by the High Commissioner for Human Rights in his report submitted to United Nations Human Rights Council in 38th Session, and asked India to take measures and repeal those laws which are the main source of these violations.

Jammu and Kashmir by virtue its historical background, circumstances that led to manipulated accession, the commitments made by the Indian leaders for the reference to the people for its future dispensation and United Nations resolutions on Kashmir has made this disputed territory a bone of contention between India and Pakistan and an internationally recognised dispute. This dispute has led to the killing of half a million people so for and hinges the peace in the region.

Failing to win the hearts of the people and bring them in to the Indian fold, the Indian state apparatus manipulated elections, imposed puppet governments, enacted black laws, tempered its legislative power, announced economic packages; but popular demand for the right to self-determination got momentum despite all the hardships and sufferings.

Indian administered Jammu and Kashmir, is a majority Muslim state and enjoys a special status by virtue of various Constitutional guarantees stated in the Indian Constitution and the Instrument of accession. Successive governments in India in connivance with puppet regimes made multiple attempts to turn the Muslim majority in the State into a minority. This process of subjugation and the demographic change, which are strictly prohibited under International laws, were accelerated once BJP came into power in India.

The setting up of Sainik colonies, building separate townships for displaced Kashmiri Pandits, grant of domicile certificate to the West Pakistan Refugees (WPRs), transfer 99 acres of Kashmir Valley's forest land to the Shri Amarnathji Shrine Board, allotment of land to Indian industrialists outside the designated industrial area, compelling the state institutions to show Kashmir as part of India, Goods and Services Tax (GST), enactment and implementation of (SARFAESI) Act-2002, were the steps taken towards weakening Kashmiris demographically, socially and economically, which were resisted by valiant Kashmiris and the resistance consumed hundreds of lives.

Fearing to lose Kashmir due to the popular and sustained freedom movement, the BJP Government in power has taken recourse to an engineered judicial process, and has challenged Article 35A of Indian Constitution that protects "State Subject Law" of the disputed state territory through her NGO "We the citizens" in the Supreme Court of India with malafide intentions, which is sub-judice before the apex court.

This Article empowers the State's legislature to define 'permanent residents' of the state and provides special rights and privileges to those permanent residents of Kashmir. The Article was added in the Indian Constitutions by Presidential order, i.e., The Constitution (Application to Jammu and Kashmir) order, 1954 – issued by the President of India on 14 May 1954, exercising the powers conferred by the clause (1) of the Article 370 of the Indian Constitution, and with the concurrence of the Government of the State of Jammu and Kashmir.

This Article has been argued couple of times before the Supreme Court of India during hearing of different constitutional petitions. However, those petitions were dismissed once the Government of India contested these

petitions and submitted counter affidavits about the importance of this Article (35A). In those Constitutional petitions, the Supreme Court of India discussed the importance and obligations for the retention of this article in the Constitution, taking into consideration the disputed nature of State of Jammu and Kashmir, and its historical background for its incorporation in the Constitution.

This time the situation is vice versa. The constitutional petition has been filed before the Supreme Court by the crony NGO of BJP and RSS, on the ground that this Article was not added to the constitution through amendment under Article 368 of the Indian Constitution, and was never presented before the Parliament and came into effect immediately.

The ill designs of filing this petition challenging Article 35A, can be judged from the fact that the BJP Government neither filed any counter affidavit, nor showed any interest to contest this petition before the Supreme Court, as previous governments did in similar petitions. The BJP Government has the complete understanding of situation that once this article is scraped, it will get open field to settle the non-Kashmiris in Jammu and Kashmir, and can achieve its dream of changing the demography of the area.

The demography of Jammu and Kashmir is one of the important components of people's right to self-determination. If BJP Government succeeds in its ill designs, it will surely affect the United Nations Resolutions on Kashmir, which states that the people have the right to decide their fate by majority vote.

The High Commissioner for Human Rights in his report submitted to United Nations Human Rights Council asked India and Pakistan to fully respect the right to self-determination of the people of Kashmir as protected under international law. The recommendation of the High Commissioner for Human Rights can only be implemented, once India respect the state subject laws applicable to Jammu and Kashmir, passed in 1927 before the Independence of India and Pakistan and stop killings of the innocent Kashmiris, whose right to self-determinations dies with their death.

In such circumstances, it is the responsibility of this office to persuade the Government of India to desist from making any such attempts, which may lead to the abrogation of this important constitutional article and other articles related to the special status of Indian administered Jammu and Kashmir or should not take any such step which may frustrate the United Nations Resolutions for the final dispensation of disputed State of Jammu and Kashmir in the larger interest the people of Jammu and Kashmir.

United Nations A/HRC/39/NGO/41

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Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2018]

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GE.18-14280(E)
1814280

Please recycle

Technical assistance and capacity-building for Yemen in the field of human rights

ODVV recognizes the importance and centrality of technical assistance and capacity building in the field of human rights, as a way for moving forward and preventing risks and possible human rights crises. The technical cooperation programs were identified as central to State efforts in the promotion and protection of human rights. Through the international obligations the countries have to support the integration of human rights in sustainable development, including the right to Pease and development.

In this regard we believe that international cooperation has not brought Pease for Yemeni people for sustainable Pease we think that Governments are facing serious human rights challenges.

Also it must be said that during years of conflict in Yemen the right to peace alongside the right to development of the Yemeni people have been violated and the coalition forces who are beating the war drums are responsible for the violation of the Yemeni nation. To this aim, the item on technical assistance and capacity-building for Yemen in the field of human rights is an opportunity for further cooperation and interaction to solve the Yemeni crisis.

Resolving the Yemen crisis and its ensuing human catastrophes in which children are its first victims is only possible with the cooperation of countries. The brutal butchering of 28 children on their way back from a school field trip in Sada in Saudi Arabia and its coalition's airstrikes in August 2018, which have been repeatedly taken place in different forms in the last few years, is an alarm bell for the international community.

A look at the causes and consequences of the Yemeni crisis

To reach international cooperation and assistance to reduce the misery of the Yemeni people which have resulted from the coalition forces attacks and the perpetual war, we must pay attention to the fact that the man-made catastrophe in Yemen has international repercussions and has affected numerous human fields and its solution requires the cooperation of all countries and international organizations. To put an end to the human rights violations in Yemen, governments and international organizations must cooperate with each other to resolve the following issues and mechanisms that reduce the further deterioration of conditions within this framework.

- attacking civilians and protected objects
- impediments to humanitarian access
- children

1 attacking civilians and protected objects and properties

The population of Yemen is just impoverished: hungry, displaced, sick, injured or dying. And this situation is worsening at a daily basis. Public and private infrastructure has collapsed. Less than half of the health facilities are functional. Factories and farms have been damaged, while public sector salaries have not been paid. [1]

The extensive air, land and sea attacks of the Saudi-led coalition forces and their allies have destroyed Yemeni infrastructures, such as hospitals, schools, roads, bridges, water and electricity. And in spite of the warnings of international humanitarian organizations, the coalition forces continue to relentlessly attack civic infrastructures.

On 2th August 2018 a source at Hodeidah's health office told Middle East Eye that 60 people were killed in the strikes, with more than 100 wounded. According to witnesses, the strike at the hospital hit as casualties were taken there from the port and the market.[2]

[1] https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22174.

2 Impediments to humanitarian access

Impediments to humanitarian assistance is one of the biggest obstacles in providing aid to the people in Yemen. Destruction of roads and communication networks, lack of petrol stations due to relentless coalition forces airstrikes in the recent years and most importantly the siege of strategic ports such as Hodeidah in Yemen, have escalated the humanitarian crisis in the country. This is while 8.4 million people do not know if they will ever have their next meal. Another 10 million people could find themselves in the same situation by the end of the year. Since 2015, the conflict has forced more than 3 million people leave their homes, including more than 2 million who have still remained displaced. An unprecedented outbreak of cholera and acute watery diarrhea has gripped Yemen since April 2017, with over 1.1 million cases.

Aid workers have warned the assault on Hodeidah's port, known as the 'mouth of Yemen', could shut down the vital route for some 70 percent of Yemen's food and humanitarian aid. Two-thirds of Yemen's population of 27 million relies on aid and 8.4 m are already at risk of starving.[3]

3 Protection of children

Dealing with the conditions of children in Yemen and cooperation in this regard is necessary because it saves millions of children who have only experienced war, violence and famine in their lives. A review of this situation can determine the importance of cooperation and efforts to reach suitable solutions.

Nearly half a million children have dropped out of school since the 2015 escalation of conflict in Yemen, bringing the total number of out-of-school children to 2 million, according to a UNICEF assessment.[4] Almost three quarters of public school teachers have not been paid their salaries in over a year, putting the education of an additional 4.5 million children at grave risk.
An entire generation of children in Yemen faces a bleak future because of limited or no access to education,"[5]. Even those who remain at school are not getting the quality education they need. More than 2,500 schools are out of use, with two thirds damaged by attacks, 27 per cent closed and 7 per cent used for military purposes or as shelters for displaced people.[6]

At least 2,419 children have been recruited in the fighting since March 2015. A 2016 survey across six governorates revealed that close to three quarters of women had been married before the age of 18, while nearly half had been married before age 15.

The critical conditions of Yemeni children alongside the hampering of humanitarian assistance and attacks against civilians requires real strong political will. The fact that some member states of the Human Rights Council through airstrikes against civilian centers and ports are taking part in the crimes against women, children and civilians, is not a hidden problem.

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[2] http://www.middleeasteye.net/news/saudi-coalition-air-strike-kills-scores-yemens-hodeidah-289389468.
[3] https://www.theguardian.com/world/2018/jun/16/yemen-attack-hundreds-killed-as-rebels-grip-on-hodeidah-airport-loosens.
[4] https://www.unicef.org/yemen/media_12502.html.
[5] said Meritxell Relaño, UNICEF Representative in Yemen.
[6] https://www.unicef.org/yemen/media_12502.html.

Recommendations

1. ODVV calls for immediate cessation of airstrikes on Port Hodeidah and other places which are centers of providing humanitarian aid to Yemen. Also ODVV calls upon Human Rights Council member states to provide cooperation as quickly as possible under Item 10.

2. ODVV deems the commitment and accountability of a government towards its citizens as the most important good governance principle, and believes that by taking part in attacks against Yemeni civilians, medical centres and hospitals and ports, not only has the Yemeni government not fulfilled its duties as the representative of the people, but it also is responsible for crimes committed against the Yemenis.

3. ODVV deems the first step towards improvement of the humanitarian situation in Yemen halting military attacks in the country and the next step the multilateral international efforts to establish peace and reconciliation among all sides in Yemen.

4. ODVV calls for an end to the siege of the people of Yemen and calls upon the Yemeni government stop supporting those who have put a siege on Yemen so that the people who need the highest levels of humanitarian aid and assistance, to be free from the "man-made" human catastrophe.

5. Shortage of cash budgets for the provision of humanitarian assistance according to UN Under-Secretary for Humanitarian Affairs, Mark Lowcock prevents suitable humanitarian aid in Yemen. Thus, the ODVV calls upon all countries and international organizations to make an effort for the provision of international humanitarian aid budget.

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Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14281(E)
1814281

Please recycle

Item 9: Islamophobia in Europe

Islamophobia is a concept that fears, prejudges and illogically discriminates Islam and Muslims. The majority of communities in the world have deeply rooted problems in the way they approach foreigners, racial and religious minorities and also how they treat followers of religions. By acknowledging the existence of these injustices we hope that through transparency of these incorrect views and beliefs and raising awareness of all communities, be witness to the improvement of racist and Islamophobic views. Following the 9/11 attacks, Islamophobia became more intense. Insulting the Koran, the prophet of Islam and other Islamic holies became the top of governments and media Islamophobic policies. The policies lead to sufferings of Muslims living in various regions of the world including Europe.

France has the largest Muslim minority population among European countries, however, Muslims in this country, are deemed as aliens. The report published by the Coordination against Racism and Islamophobia (CRI)[1] can be highlighted which shows that out of 576 Islamophobic attacks in 2016, out of which 38 cases include physical attacks and hate speech against Muslims.

In Austria, the new government has adopted new policies with regards to migration and creation of further restrictions on Muslims. The research from the Documentation and Consultancy Center for Muslims said the number of attacks against Muslims reached 253 in 2016[2], compared to 156 in 2015. In 2017 there were 309[3] Islamophobic attacks recorded which compared to 2016 it had a 21 percent increase. In Austria, 98 percent of Islaophobic attacks were against women[4], and approximately 62 percent of all cases took places in public and open or semi-open places, which the verdict of the EU Supreme Court on the prohibition of hijab may be the basis of these attacks.

In Netherlands, there were reports of 364 incidents of discrimination against Muslims in 2016[5] and 42 percent of Muslims have reported that they have experienced discrimination in their lives[6]. In Norway 27.8 per cent of the people dislike Muslims, and overall 19.6 percent of the population would dislike having Muslims as neighbours or in their circle of friends. In 2017, 14% of Muslims experienced harassment in Norway[7].

In Germany, alone, there have been approximately 1000 attacks against Muslims, and mosques[8].

Recommendations:

1 – In view of the occurrences and the daily increase in Islamophobia and harassment of Muslims in European countries and the United States, ODVV calls upon the Human Rights Council to take necessary steps to identify the causes and repercussions and work towards the elimination of these types of problems that Muslims face.

2 –ODVV calls upon the Human Rights Council to issue a resolution to create a monitoring mechanism such as an independent expert and provide consultation services for the assessment of the current Islamophobia situation, with regards to existing challenges and also the best methods to confront this rising trend, for the fight against Islamophobia.

3 –ODVV calls upon the Human Rights Council to request the Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Intolerance to submit a report on the Islamophobic and hate speech of world's politicians.[9]

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[1] European Islamophobia Report 2016
[2] . https://www.aljazeera.com/news/2018/01/austria-muslims-fear-cast-threat-security-180114064057435.html
[3] . http://muslimnews.co.uk/news/islamophobia/austria-islamophobic-attacks-muslims-increase-21-percent/
[4] . https://www.state.gov/documents/organization/281124.pdf
[5] . https://www.islamophobiaeurope.com/wp-content/uploads/2018/04/EIR_2017.pdf
[6] . https://www.islamophobiaeurope.com/wp-content/uploads/2018/04/EIR_2017.pdf
[7] . https://www.islamophobiaeurope.com/wp-content/uploads/2018/04/EIR_2017.pdf
[8] .https://www.middleeasteye.net/news/almost-1000-attacks-muslims-reported-germany-2017-report-761148992
[9] Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance(https://www.ohchr.org/EN/Issues/Racism/SRRacism/Pages/IndexSRRacism.aspx)

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Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2018]

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1814283

Please recycle

Item 7: Human Rights Violations in Occupied Palestinian Territories

Since creation of Israel, the world has witnessed extensive violation of the Palestinian people's human rights including women and children, taking place in various forms. The question of Palestine is inextricably linked with the history of the United Nations and is one of the longest unresolved issues on UN agenda.[1]

The problem continues unabated. There have been reports of extensive human rights violations by eye witnesses, NGOs and international organizations in recent measures taken by Israeli officials, this year, since the holding of demonstrations by Palestinians across the West Bank and Gaza Strip on the anniversary of the founding of Israel and the United State Embassy move to Jerusalem.

1. Violation of humanitarian law: attacks on civilians and killings

From 30 March 30 to 8 June 2018, Palestinian attempted to breach the fences and the Israeli military shot and killed protesters on the basis of a policy to use live ammunition against people who approached or attempted to cross or damage the fences, according to public statements by Israeli officials and a submission to Israel's supreme court.

In the weekly protests, Israeli forces fired on demonstrators and killed 118 people, including 14 children, and wounded 3,895[2]. In the time period between March 30th and June 30th 2018, a total of 15,501 Palestinians were injured by Israeli forces, of whom 8,221, or over half, required hospitalization.[3]

Based on the UN OCHA report, contributed by the World Health Organization and the Disability Working Group, as of 3 July 2018, 53 Palestinians received lower limb amputations and eight had upper limb, with 11 of the amputees being children. Additionally, at least ten other Palestinians have been left paralyzed following spinal cord injuries. As of 26 June 2018, more than 1,400 Palestinians "with severe injuries were at risk of longer-term physical disability, including 454 patients who suffered severe vascular injuries and 954 patients who sustained comminuted fractures".[4] Among these people, there were medics, journalists, children, and others who were hundreds of meters away from the fences.

[1] https://www.un.org/sg/en/content/sg/speeches/2018-02-05/inalienable-rights-palestinian-people-remarks-opening-2018-session.

[2] https://www.hrw.org/news/2018/06/13/israel-apparent-war-crimes-gaza.

[3] https://www.ochaopt.org/content/addressing-rehabilitation-needs-palestinians-seriously-injured-during-gaza-demonstrations.

[4] https://www.ochaopt.org/content/monthly-humanitarian-bulletin-june-2018.

Israel claims that some Palestinian protesters have been violent to justify the excessive use of force against them, but according to international law and human rights standards, deadly force can only be used in "urgent need". The killings committed by the Occupation forces, can be considered as extensive violation of international law and intentional killings of civilians during occupation, can result in grave violation of the Geneva Convention and as a result be deemed as war crimes.

In addition to the use of lethal force against Palestinians, Israel policies have made life really difficult for the people living in occupied regions. The blockade of Gaza has turned the region into what is called the largest open prison in the world. The Gaza situation is so challenging that the United Nations Country Team in Occupied Palestine Territory has predicted that Gaza will become unlivable by 2020 unless concrete action is taken by Israel, the PA, Hamas and by the international community to improve basic services and infrastructures in the region. [5]

2. Grave violations and refusal of access to fundamental human rights

According to António Guterres speech in opening of the 2018 Session of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, two million Palestinians are struggling everyday with crumbling infrastructure, an electricity crisis, a lack of basic services, chronic unemployment and a paralyzed economy. All of this is taking place amid an unfolding environmental disaster.[6]

By attacking Palestinians during the Gaza protests, Israel injured and maimed a notable number of the demonstrators. These attacks resulted in the loss of the right of individuals to their health either temporarily or permanently. The right to health is intertwined with the right to life (first generation of human rights) and furthermore connected to right to hygiene and social services. Furthermore, the right to a healthy environment which is in the third generation of human rights is also nourished by the right to health. Thus the right to health can be seen as the connection link of various generations of human rights.

According the right to health, all people should have access to the health services they need, when and where they need them, without suffering financial hardship.

The recent increased demand on health services exacerbates a number of longstanding challenges to the capacity of the health sector in Gaza. These challenges include on-going shortages of medicines and medical disposables, large electricity deficits for health facilities, a continuing salary crisis affecting government employees and Israeli restrictions on access for vulnerable patients requiring health care not available in Gaza. Additionally, the import to Gaza of materials required for the production of artificial limbs, including carbon fiber and epoxy resins, is restricted, due to Israel's consideration of these materials as 'dual use' items, which could be used also for military purposes.[7]

The challenges do not end here, in July 2018, Israel tightened its longstanding blockade on the Gaza Strip, worsening the already desperate humanitarian situation. Over 100 million liters of poorly-treated sewage is discharged into the sea every day. [8] It poses serious health and environmental hazards for Gaza's population, particularly during the summer when swimming in the sea is one of the few recreational activities available to the population of Gaza.

Good health is also clearly linked to other basic human rights including access to safe drinking water and sanitation, nutritious foods, adequate housing, education and safe working conditions.

After Israeli decision, announced on 9 July 2018, which close the Kerem Shalom (Karm Abu Salem), commercial crossing into Gaze, human rights abuse of Palestinian in the region will increase. The economy in Gaza is already extremely damaged due to the siege and the various Israeli assaults, but the latest move will worsen the state of the strip to a further extent. By this collective punishment of Israel, Palestinian people cannot even access their basic rights of health and welfare. Furthermore, they will deprive of humanitarian international aid.

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[5] file:///C:/Users/user/Downloads/gaza_10_years_later.pdf.

[6] https://www.un.org/sg/en/content/sg/speeches/2018-02-05/inalienable-rights-palestinian-people-remarks-opening-2018-session.

[7] https://www.ochaopt.org/content/addressing-rehabilitation-needs-palestinians-seriously-injured-during-gaza-demonstrations.

[8] https://www.ochaopt.org/reports/humanitarian-bulletin.

3. Violation of the right to housing and forced migration:

The recent occurrences in occupied Palestine shows that alongside Israel's settlement building and forced migration of Palestinians, other policies are used to make parts of this region uninhabitable. This is while, staying where one is living is the natural right of any individual, the logical result of which is to prevent forced migration and movement of individuals and groups.

These events also, exacerbated the vulnerability of Palestinians living in, or dependent on access to, an area in eastern Nablus governorate designated in the 1970s as closed for Israeli military training, known as Firing Zone 904A.[9]

Between 17 and 24 June 2018, Israeli forces carried out a large military exercise in the area that disrupted the lives of approximately 250 residents of Tell al Khashabeh, a herding community on the southern edge of the firing zone. Another place is Yanoun which is located just outside the firing zone, during the night of 14 June 2018, Israeli forces conducted military training within the built-up area of the community. According to eyewitnesses, soldiers opened fire at one uninhabited house. While the incident ended without injuries or additional damage (apart from the targeted house), it generated fear and anxiety among the residents, particularly children.[10]

Cases such as the destruction of properties and infrastructures, and other measures that have been taken to change the legal and lawful situation and demographics and the geographical nature of occupied Palestinian territories, as well as violating the basic rights to adequate housing which is one of the adequate rights to life, can result in the grave violation of the Fourth Geneva Convention and also war crime according to the 1998 Rome Statute. The adoption of new policies such as the demolition of Khan Al-Hamr village, as part of these policies, can strengthen this assumption.

Recommendations:

- The Organization for Defending Victims of Violence (ODVV) calls upon the international community and international human rights and humanitarian law organizations to endeavor towards the establishment of peace and security in Palestine and to apply further pressure on the Israeli forces to end the illegal blockade of the Gaza Strip.
- The ODVV urges the Council to send international observers to the Gaza Strip to investigate the dozens of Palestinian protesters deaths that took place on 30th of March in Gaza to increase transparency and safeguarding the respect to human dignity.
- The ODVV deems the commitment and accountability of the occupation forces towards the occupied territories very important and calls for the Israeli officials to remain meet their commitments in the occupied territories.

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[9] These areas are home to 6,200 Palestinians living in 38 small Palestinian Bedouin and herding communities, including those in the eastern Nablus area. To different degrees, these communities have been affected by a coercive environment generated by a range of Israeli policies and practices that place residents at risk of forcible transfer (https://www.ochaopt.org/content/palestinian-communities-risk-forcible-transfer-case-eastern-nablus-firing-zone).

[10] https://www.ochaopt.org/content/palestinian-communities-risk-forcible-transfer-case-eastern-nablus-firing-zone.

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Human rights situations that require the Council's attention

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GE.18-14284(E)

1814284

Please recycle

Item 4- Violation of Humanitarian Law and Human Rights in Yemen

More than 3 years after the launch of the Saudi led coalition attack, the world is faced with a massive human catastrophe in Yemen. Chronic poverty, hunger, famine and the destruction of all civilian infrastructures such as schools and hospitals in continued Saudi coalition airstrikes, are all the direct results of this conflict. The continued violation of human rights as well as international humanitarian law has resulted in a crisis which the UN referred to it as "an entirely man-made catastrophe."[1]
And according to UN and other international human rights organizations' reports the Saudi led coalition has violated fundamental human rights such as the right to peace, right to life and right to health in Yemen in a blatant way.

1 Violation of the right to peace and humanitarian law

The attacks of the coalition forces which continue unabated and have taken a new form in the blockade of Port on Hodeidah's and violated Yemeni people's right to peace and humanitarian law[2]

A) Blocking and impeding humanitarian access

The Saudi-led coalition's restrictions on imports have worsened the dire humanitarian situation. The coalition has delayed and diverted fuel tankers, closed critical ports and stopped goods from entering seaports. Fuel needed to power generators of hospitals and pump water to civilian residences has also been blocked.[3] Access to fuel has been critical for water pumping, and drinking water supply, blocking the access has led to even more cases of acute watery diarrhoea and cholera, both of which have been deadly for small children in these years.[4]

On June 2018 UNICEF Executive Director, Henrietta Fore, said that Assault on key Yemeni port would endanger 300,000 children and 'choke off' aid for millions more and Any attack on the key Yemeni port of Hodeida would deepen one of the world's worst malnutrition crises apart of that millions more children throughout Yemen depend on the humanitarian and commercial goods that have been coming through that port every day for their very survival.[5]

With the escalation of attacks on Port Hodeidah, known as the 'mouth of Yemen, in the recent months, aid workers have warned the assault, could shut down the vital route for some 70 percent of Yemen's food and humanitarian aid. Two-thirds of Yemen's **population** of 27 million relies on aid and 8.4 million are already at risk of starving.[6]

B) Attacks against civilians, a violation of humanitarian law

The attacks operated by the Saudi led coalition with cooperation of Yemeni government against Yemen are reported to cost the country more than 100 billion dollars. The conflict is one of the most catastrophic wars in the recent decades; a war whose repercussions only target civilians. Each day this war unveils new human catastrophes, ranging from famine and hunger which according to UNICEF report have affected children, to the widespread diseases such as cholera,[7] falling behind from education for hundreds of thousands of children, and the displacement of millions of Yemenis.[8]
According to UN reports, by violating fundamental principles of international humanitarian law and violation of the right to peace, Saudi Arabia has faced the world with undermining these two great international achievements.

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[1] 2017 report of the UN Human Rights Council.
[2] https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/.
[3] https://www.hrw.org/world-report/2018/country-chapters/yemen.
[4] https://news.un.org/en/story/2018/06/1012032.
[5] https://news.un.org/en/story/2018/06/1012032.
[6] https://www.theguardian.com/world/2018/jun/16/yemen-attack-hundreds-killed-as-rebels-grip-on-hodeidah-airport-loosens.
[7] https://www.theguardian.com/world/2015/apr/06/yemen-conflict-war-houthi-sanaa.
[8] http://www.unhcr.org/en-us/news/press/2017/9/59b6a3ec4/unhcr-report-highlights-education-crisis-refugee-children.html.

The Saudi military coalition – which receives logistical support, weapons and political backing from the United States and the United Kingdom – has been accused of killing hundreds of children in Yemen, according to a confidential UN report.9

The report says that 51 per cent of all child deaths and injuries in Yemen last year were the result of the Saudi-led military operation. It says the deaths were "unacceptably high". Saudi Arabia has insisted it is operating within international law.[10] On August 2018 dozens of students were returning from a summer camp, as the students sat waiting to resume their journey home, a Saudi-led coalition airstrike hit their school bus. At least 29 children under the age of 15, some as young as 6 years old, were killed in the attack, according to the International Committee of the Red Cross.[11]

The behavior of Saudi officials is in conflict with the League of Nations 16 December 1924 Declaration, on the protection of children under the title of the "Geneva Declaration, and also the Declaration on the Rights of the Child (20 November 1959), the UN General Assembly declaration of 14 December 1974 regarding the protection of women and children during crises and armed conflicts and article 77 of the Geneva Conventions Additional Protocol of 1974 with regards to particular respect towards children against any form of disrespectful attacks. Also resolutions (23)2444 of 19 December 1968, (24)2597 of 16 December 1969, (25)2674 and (25)2675 of 9 December 1970 on respect for human rights and on basic principles for the protection of civilian populations in armed conflicts are violated by Saudi Arabia and its coalition. The resolutions and enforceable documents prohibit any form of aggression against civilians during conflict among states, however, the Saudi military continues its onslaught of attacks against this impoverished Middle East country.

According to UN reports and other international organizations such as Amnesty International,12 Human Rights Watch13 and Medicine Sans Frontier etc.14 the Saudi government has also violated the right to peace of the people of Yemen. By signing the Right to Peace Declaration, the Saudi government has made itself obliged to observe this international document, whereas its aggression in Yemen is a total violation of the right to peace.

The international obligations of countries and the observation of international laws is the prerequisite to reach lasting peace in the world. By violating international law, failure to observe international humanitarian law principles and violation of the Right to Peace Declaration, the Saudi government has faced the Middle East region and the world with calamity and human catastrophe.

2 Violation of the right to life

War and instability in Yemen has resulted in the violation of the right to life of millions of Yemenis. Millions are struggling with hunger and do not have access to basic living opportunities

Horror and uncertainty are part of life in Yemen. The armed conflict has taken a terrible toll on the civilian population. The coalition has conducted scores of indiscriminate and disproportionate airstrikes hitting civilian objects that have killed thousands of civilians in violation of the laws of war, with munitions that the United States, the United Kingdom, and others still supply, benefiting from cooperation of Yemeni government.

The conflict that escalated in March 2015 in Yemen has left more than 22 million people - 75 per cent of the population - in need of humanitarian aid, the greatest number in any country in the world. More than 60 per cent of the population (17.8 million people) are without enough to eat. Over 8.4 million of these people are one step away from famine. About 16 million Yemenis do not have access to safe water sources, with rural areas most affected.

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9 https://www.independent.co.uk/news/world/middle-east/un-saudi-arabia-military-operations-yemen-children-civilian-deaths-report-uk-us-unacceptable-a7900966.html.

10 https://www.independent.co.uk/news/world/middle-east/un-saudi-arabia-military-operations-yemen-children-civilian-deaths-report-uk-us-unacceptable-a7900966.html.

11 htt https://www.amnesty.org/en/latest/news/2015/12/bombing-of-schools-by-saudi-arabia-led-coalition-in-yemen/ ps://www.npr.org/2018/08/09/637175068/saudi-led-coalition-strikes-school-bus-in-yemen-killing-at-least-29-children.

12 https://www.hrw.org/world-report/2017/country-chapters/saudi-arabia.

13 https://www.hrw.org/world-report/2017/country-chapters/yemen.

14 https://www.ohchr.org/Documents/Issues/RuleOfLaw/ArmsTransfers/AmericansDemocracyAndHumanRightsInBahrain.pdf.

Recommendations:

1. The ODVV calls upon the international community and international human rights and humanitarian law institutions to make further efforts for the establishment of peace and reconciliation in Yemen and exert more pressure on the coalition forces to stop the conflict.

2. The ODVV deems the commitment and accountability of a government towards its citizens as the most important good governance principle, and believes that by taking part in attacks against Yemeni civilians, medical centres and hospitals and ports, not only has the Yemeni government not fulfilled its duties as the representative of the people, but it also is responsible for crimes committed against the Yemeni people.

3. The ODVV deems the first step towards improvement of the humanitarian situation in Yemen halting military attacks in the country and the next step the multilateral international efforts to establish peace and reconciliation among all sides in Yemen.

4. The ODVV calls for an end to the siege of the people of Yemen and calls upon the Yemeni government to stop supporting those who have put a siege on Yemen so that the people who need the highest levels of humanitarian aid and assistance, are freed from the "man-made" human catastrophe.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

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Please recycle

Human Rights Concerns in UAE

The United Arab Emirates (UAE) tries to portray itself as a modern country that has a high economic growth. In spite of the creation of its modern appearance, this inconsistency in development is completely visible in the social and political sectors of the society. Moreover, the government's approach and behavior in widespread violation of human rights in UAE society and Yemen have illustrated an autocratic modern state with low level of commitment to human rights.

Women's rights

Women continue to face discrimination in law and in practice in the United Arab Emirates. Furthermore, the UAE constitution grants general equality before the law in Article 25, however, the second part of this article lacks the important legal prohibition of gender-based discrimination, only stating that "no discrimination shall be practiced between citizens of the Union by reason of race, nationality, religious belief or social position."[1] The legal framework discriminates against women notably in matters of equality to men, marriage and divorce, nationality, freedom of movement, inheritance and child custody. They are inadequately protected against sexual violence and violence within the family.[2]

Violence against women, especially migrant domestic workers, is high as the law provides no safeguards against gender-based violence.[3] In a study, Dubai police found that only 9.5% of all sexual assaults are ever reported. Such situation is partly relies on the illusion of the criminal justice agencies from recording reported attacks on women.[4]

Freedom of Expression

By creating serious restriction for freedom of expression and association, the UAE government has caused restrictions on formation of political parties and civil institutions. These restrictions are visible in various political and social spheres of the country. The UAE constitution accepts freedom of expression and the press, but in practice the government restricts these rights. General criticism of the government and ministers is allowed in a limited way, but criticism of the ruling Emir's family and the Emir in particular is prohibited. Nevertheless, criticisms are expressed in private and with full caution. A number of human rights activists have been prosecuted on the pretext of national security.[5]

The UAE continues to use Federal Law 6 of 1974 Concerning Public Utility Associations to interfere in the operations of civil society organizations. The law goes as far as allowing the Ministry of labour and Social Affairs to send representatives to monitor meetings of the CSOs.

The UAE continues to use anti-terror laws to punish human rights defenders. The UAE94 – a group of political activists, human rights defenders, lawyers, academics, teachers and students – are still serving heavy sentences handed down in 2013, on spurious charges of attempting to overthrow the government.

Journalists and researchers are still arrested, deported and jailed for carrying out their word. Ahmed Mansoor who was jailed in 2017 for making posts on social media, was sentenced to 10 years in prison last month. Academic Nasser Bin Chaith is also serving a 10-year prison sentence after he was arrested in 2015 for making posts on social media and continues to be denied access to medical treatment. Both men are believed to be held in solitary confinement.

Migrant workers

The UAE is one of the countries that despite receiving around 53 recommendations in its third round of the Universal Period Review in 2018 based on the ratification and joining international conventions and 7 recommendations for the

[1] https://www.constituteproject.org/constitution/United_Arab_Emirates_2004.pdf.
[2] https://www.amnesty.org/en/countries/middle-east-and-north-africa/united-arab-emirates/report-united-arab-emirates/.
[3] http://icfuse.org.uk/issues/women%E2%80%99s-rights-uae-0.
[4] https://www.tamimi.com/law-update-articles/women-in-the-uae/.
[5] www.yjc.ir.

ratification of the International Convention on the Protection of all Migrants Rights and Members of their Families, the country has still not joined this Convention.[6] The international slavery index deems the situation of the UAE as negative with regards to the rights of migrant workers and calls for effective reformist strategies and policies to be adopted in support of this group. The UN High Commissioner for Human Rights prepared a 13-page report on the human rights situation in the UAE on 5 January for submission in the 29th Session of the Human Rights Council. In it he expressed concern mistreatments such as confiscation of passports, unfair incarcerations, not paying wages and overtime work for migrant workers.[7]

In a report in 2009, Human Rights Watch called on the UAE government to reform the sponsor system which is one of the human rights violation cases in the country, to-date no amendments have been made to the law. In the sponsorship system as a work and visa support system, in the Persian Gulf countries, migrant workers need the permission of their employees to leave the country or change jobs, and this itself is a human rights violation. Also due to the extent of human rights violations in this country giving reports to relevant organizations is difficult. Nonetheless, organizations such as Tourism Development and Investment Company (TDIC) have taken steps in towards these violations such as setting guidelines to prevent the confiscation of passports and setting specific working hours.

UAE Arbitrary Detentions and Secret Prisons in Yemen

Arbitrary detentions and creation of secret prisons run by the UAE in southern Yemen is one of the gravest concerns of international organizations and human rights activists which have resulted in the violation of the rights of hundreds of victims. The UAE funds, trains and directs proxy forces which have arbitrarily detained, disappeared and brutally mistreated men and boys in Yemen. They run prisons where many have been disappeared and reported horrific abuse.[8]

The UAE officials appear to have ordered the continued detention of people despite release orders, forcibly disappeared people, and reportedly moved high-profile detainees outside the country. Former detainees and family members reported abuse or torture inside facilities run by the UAE, AND UAE backed forces. Yemeni activists who have criticized these abuses have been threatened, harassed, detained and disappeared.[9]

In the town of al-Makla in southern Yemen alone, approximately 400 people have disappeared following arrest and approximately 1500 have been detained in Aden.

The Foreign Minister of the Yemeni National Salvation Government, Hisham Sharaf in Sanaa announced that the Saudi led coalition have set up prisons in Yemeni cities and islands like Abu-Ghraib and Guantanamo to torture captives and detainees.

Sharaf revealed the existence of hidden detention and torture centers under the supervision of coalition forces in Aen, Al-Makla and Seghtari and also foreign warships situated in the Red Sea and Gulf of Aden, and declared that in these hidden prisons detainees are subjected to various forms of torture, and ultimately the detainees are handed over to foreign security and military forces or terror groups, which are seen as war crimes. They have created prisons like Abu Ghraib in Iraq and the Guantanamo Bay detention centers.[10]

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[6] https://www.ohchr.org/EN/HRBodies/UPR/Pages/AEIndex.aspx.

[7] https://www.aljazeera.com/news/2018/01/raises-concern-human-rights-uaw-180110045834391.html.

[8] https://www.hrw.org/news/2018/06/29/uae-continues-flout-international-law.

[9] https://www.hrw.org/world-report/2018/country-chapters/united-arab-emirates.

[10] http://iuvmpress.com/11521.

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United States of America Leaving the Human Rights Council

Introduction

The United Nations was founded, to achieve three objectives stated in Article 1 of the UN Charter: 1 – maintain international peace and security, 2 - develop friendly relations among nations, and 3 - achieve international cooperation in solving international problems which have humanitarian aspects. Gradually human rights turned into one of the most important challenges in a way that the strengthening of international peace and security is possible under the shadow of the promotion of human rights. Subsequently, the UN Commission on Human Rights began standardisation and creation of principles and drafting of international conventions in order to protect human rights, however, in practice, CHR was could not prevent the extensive and continued violation of human rights in countries. Therefore the in 2006, the Human Rights Council was created by the UN General Assembly to promote and preserve human rights and fundamental freedoms for all.

Now, the United States has left the United Nations' Human Rights Council (HRC) for what it calls "institutionalised bias" against Israel. The United States Ambassador to the United Nations, Nikki Haley announcing the United States leaving the Council said that the Council is an organization that does not deserve its name.

Criticising the HRC, THE UNITED STATES Vice-president Mike Pence said: "The Human Rights Council has become a focus of anti-Semitism, an invective against Israel." He also said; "when the so-called Human Rights Council cannot investigate grave human rights violations in Venezuela and Iran, and the Democratic Republic of Congo is accepted as its member, then it loses the value of its name."

When Donald Trump took Office back in January 2017, the United States started its unilateralism in the international society and reduced its cooperation and financial contribution to the United Nations.[1] Last year the Trump Administration in protest to what it called "bias against Israel" came out of UNESCO. Furthermore, the United States has left the Trans-Pacific Partnership (TPP), the Paris Climate Accord, the UN Migration Treaty, the North American Free Trade Agreement to lift tariffs (NAFTA) and the Joint Comprehensive Plan of Action (JCPOA).[2]

Double Standards

Unfortunately, the selective approach and political pressures of world powers including the United States, on the Human Rights Council, closes the way for the preservation of peace, development, friendly relations and international cooperation, all of which are the main objectives of the UN, and complicates the conditions for the investigation and improvement of the human rights situation of various countries.

This is while in some countries, including US allies such as Saudi Arabia, United Arab Emirates and Bahrain, the human rights and fundamental freedoms are in dire straits, however, these countries are left out of America's criticisms.

In view of the challenges that our world face, America not only does not show any cooperation and interaction with the international community, but disheartens the civil society and the people of the world with illegal pressures, double standards as well as leaving international agreements. The United States pushes the world on the brink of various crises, and proves that its' interests have priority over international order and in instances where international mechanisms show the smallest contrast to the United States' interests, the mechanisms are threatened by reducing their budget or the United States withdrawal that can lead to the weakening of international law and its implementation.

The United States is defending the Israel at the expense of undermining the international order while the Palestinian people have been living in military occupation for the past 50 years and the United States decision causes continuation of the occupation and expansion of the pain and suffering of the innocent people of the occupied Palestinian territory. The expansion of Jewish settlements in the West Bank, occupied East Jerusalem and the Golan Heights.

Recommendations

1. Being seriously concerned by the international order and Human Rights Council credibility undermined by the United States' decision, the Organization for Defending Victims of Violence (ODVV) calls on the HRC to strengthen its efforts to defend Palestinian's rights and to investigate the clashes on Gaza more forcefully.

1 Deutsche Welte, 20 June 2018
2 Iranian News Agency 20 June 2018

2. While expressing sadness over the United States' decision to leave the Human Rights Council, we recommend HRC to steadily continue on its path to pursue human rights violations of other countries including the Saudi Arabia, United Arab Emirates and Bahrain more seriously while preserving neutrality.

3. The Human Rights Council and its members must condemn America's decision to leave the Council and its attempt to put pressure on other member states of the Council.

4. The hostile approach of the United States towards the highest human rights body of the UN takes place while the forced separation of children from the parents of illegal immigrants and their detention in America is a blatant human rights violation. The Council must seriously pursue these violations.

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Re-imposition of Sanctions, Continuation of Human Rights Violations by the United States

By August 7th 2018, the United States unilaterally re-imposed its sanctions on the Islamic Republic of Iran in an attempt to violate its obligation under the Joint Comprehensive Plan of Action (JCPOA) signed by Iran and G5+1 countries, including the United States. Donald Trump's government banned a huge amount of exports by Iran to the United States, including Iran carpet, Khaviyar and pistachio as sources of Iran income. Moreover, it expanded its sanctions to any none-US companies which trade with Iran. In addition, the sanctions prohibited the purchase of the United States dollar banknotes by the Iranian government. The ban has accelerated the decline of Iranian currency, Rial, against the dollar that led to the skyrocketing of prices of all essential items including food and medicine.

It is crystal clear to the world society that the United States decision will have negative impacts on all rights of Iranian people. The available literature on the effect of Unilateral Coercive Measures on Human Rights as well as the civil society first-hand information prove the unfair impact of sanctions on various sectors of targeted societies including, human rights, civilians' access to essential items, functioning of SWIFT[1] and banking system, poverty and economic growth, and the environment.

Human Rights

The studies conducted by Peksen on the impact of economic sanctions on human rights conclude that unilateral measures negatively affect the situation of human rights in the targeted countries. The study focused on the impact of economic sanctions on Latin American countries within the time period between 1981-2008. Using reliable sources of data the study found empirical evidence that sanctions do improve the level of protection in countries that were not targeted by sanctions[2].

Essential Items

The EU and US have always announced that medicine and medical equipment are exempt from sanctions, however, on the ground, comprehensive sanctions seriously limit the access of patients to medicine and medical care in various ways, such as, increasing the price of medicine and medical services, and decreasing the import of medicine into the targeted countries as a result of the sanctions put on the banking system leading to the scarcity of medicine in the market.

Our organization would like to note the findings of the Human Rights Council Advisory Committee report on the negative impact of unilateral coercive measures on the enjoyment of human rights (A/HRC/28/74):

"Although the United States of America and the European Union claim that the sanctions do not apply to humanitarian items, in actual fact they have deeply affected the delivery and availability of medical supplies. The import of medicines containing antibiotics (of types not produced inside the country) has decreased by 20.7 per cent, and prices have increased by more than 300 per cent. The estimated 20,000 persons suffering from thalassemia in the country receive only a few days of their monthly medicinal needs. Survivors of chemical weapons used during the war with Iraq in the 1980s, in need of medicine and equipment, including cornea transplants and inhalers, similarly suffer from a shortage or lack of medical supplies. In general, the medicines used to treat haemophilia, cancer, thalassemia, multiple sclerosis and kidney transplant and dialysis are not produced domestically, and of those that are, most are not as effective as those imported from Europe and North America. The shortage of medicine for such chronic diseases often leads to the death of the patient. In addition, every year, 85,000 Iranians are diagnosed with some form of cancer; the facilities for providing them with chemotherapy and radiotherapy are however scant. While the financial sanctions imposed on the Islamic Republic of Iran do not, in principle, cover medicine and medical equipment, they make it almost impossible for Iranian importers to finance the import of medical equipment and medicine. In particular, depriving the country of SWIFT services has made international payments to Western companies almost impossible. As a result, Western pharmaceutical companies – often the sole producers of these medicines – have all but stopped exporting to the Islamic Republic of Iran, and every year tens of thousands of patients die as a result. The economic sanctions have therefore led to a deterioration in living conditions. Those living in poverty and in marginalized areas suffer most from the effect of the sanctions."

[1] The Society for Worldwide Interbank Financial Telecommunication (SWIFT)

[2] http://www.scielo.br/pdf/rbpi/v57n1/0034-7329-rbpi-57-01-00197.pdf, p.210.

SWIFT and Banking System

The Iran SWIFT sanction was removed following the JCPOA, but on the ground, banking transactions using SWIFT remained limited to a small number of transactions, making it difficult for foreign companies to be engaged in trade with Iran.

Banking system sanctions lead to an increase in prices of all items. The sanction imposed on SWIFT limits access to imported fundamental items, also pave the way for Corruption and Money Laundering. The money prevented form legal channels flows into underground and illegal networks where lack of transparency leads to increase of corruption.

Poverty and Economic Growth

The right to development is seriously undermined by sanctions. According to the empirical research reports on the effect of sanctions on poverty, the poverty gap in targeted countries increases during sanction periods[3]. The first-hand information gathered by the civil society in targeted countries confirms the above mentioned findings on the relationship between poverty and unilateral coercive measures.

Decrease in Gross Domestic Product Per Capita[4] coupled with increase of inflation and unemployment rate add to the sufferings of the civilians in targeted counties and the vulnerable groups including the patients and the deprived people are the ones who would suffer the most.

Environment

When economic sanctions push citizens into poverty, it is unrealistic to expect them to care about issues such as deforestation or water resource quality. Therefore, there will be less concerns among civilians to protect the environment. For the state of sanction stricken countries, the destroyed economy is given priority over environmental concerns that justify the government focus to be drifted away from environmental issues.

In addition, economic sanctions limit the access of societies to modern, nature friendly technologies and leave them reliant on old fossil fuel based industries leading to escalation of environmental pollutions and increase of green-house gas emissions.

Recommendations

The adverse effects of UCMs on societies are numerous, a detailed explanation of which could be beyond the scope of the present statement. Considering the negative effects, proven by scientific studies and reiterated by the abundant United Nations' reports on UCM[5] , the ODVV would like to echo the concerns expressed by Mr. Idriss Jazairy, Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights, in his report to HRC 37 regarding UCMs.

ODVV urges the Human Rights Council to launch a registrar for the UCMs already in place, documenting their impact on human rights of the people of targeted countries.

ODVV urges the Human Rights Council to launch a compensation commission to provide the victims of UCMs with adequate remedy and redress, making the sanctioning countries to support the commission with necessary funding.

ODVV urges the United Nations' General Assembly and the members of international community to unanimously condemn, in a resolution, the imposition of economic sanctions on countries leading to sheer breaches of human rights of civilians, specially the vulnerable groups.

ODVV encourages the Human Rights Council to use the data entered to the special procedures' "urgent action", as well as special procedures' "communications" by UCM victims as documents requiring HRC's special attention.

ODVV encourages the Human Rights Council to mandate the advisory committee to study the methods of discouraging great powers to abuse their power against other countries in the world.

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[3] https://econpapers.repec.org/article/eeedeveco/v_3a121_3ay_3a2016_3ai_3ac_3ap_3a110-119.htm

[4] http://www.ijhpm.com/article_3454_413e7c40127a45913385d0def29682a6.pdf

[5] https://www.ohchr.org/EN/Issues/UCM/Pages/Reports.aspx